

1 BILL NO. G-82-06-26

2 GENERAL ORDINANCE NO. G-Withdrawn

3 AN ORDINANCE amending the Thoroughfare
4 Plan of the City Comprehensive ("Master")
5 Plan by vacating a plat thereof.

6 WHEREAS, (1) a petition to vacate a portion of Devonshire
7 Subdivision (as more specifically described below) was duly filed
8 with the City Plan Commission; and (2) said Commission duly held
9 a public hearing thereon; and (3) said Commission has duly for-
10 warded its recommendation thereon to this body approving said
11 petition, all in accordance with I.C. 36-7-4-512(2) and this body
12 having held a public hearing on said vacation as provided in
13 I.C. 36-7-12; and

14 WHEREAS, this body concurs in the recommendation of the
15 City Plan Commission;

16 NOW, THEREFORE BE IT ORDAINED BY THE COMMON COUNCIL OF
17 THE CITY OF FORT WAYNE, INDIANA:

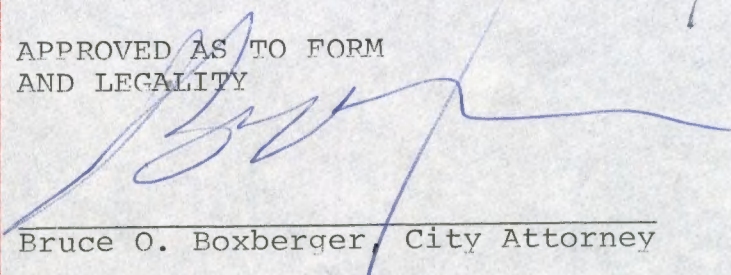
18 SECTION 1. That the petition filed herein to vacate:

19 Lots 1 (one) and 23 (twenty-three) and the East
20 38' (thirty-eight feet) of Lot 22 (twenty-two)
21 and the East 40' (forty feet) of Lot 2 (two) of
22 Devonshire, a subdivision of part of Lot 24
23 (twenty-four) in Edsall's Subdivision in Lagro
24 Reserve, Township 30 North, Range 12 East of
25 Allen County, Indiana,

26 and which vacating amends the Comprehensive Plan of the City and
27 is hereby approved.

28 SECTION 2. That this Ordinance shall be in full force
29 and effect from and after its passage and approval by the Mayor
30 and the legal publication thereof.

31 APPROVED AS TO FORM
32 AND LEGALITY


Bruce O. Boxberger, City Attorney


Councilmember

Read the first time in full and on motion by Esteban,
seconded by Stur, and duly adopted, read the second time
by title and referred to the Committee Regulation (and the City
Plan Commission for recommendation) and Public Hearing to be held after
due legal notice, at the Council Chambers, City-County Building, Fort Wayne,
Indiana, on _____, the _____ day of _____,
19____, at _____ o'clock _____ M., E.S.T.

DATE: 6-22-82

Charles W. Westerman
CHARLES W. WESTERMAN - CITY CLERK

Read the third time in full and on motion by _____,
seconded by _____, and duly adopted, placed on its
passage. PASSED (LOST) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	_____	_____	_____	_____	_____
<u>BRADBURY</u>	_____	_____	_____	_____	_____
<u>BURNS</u>	_____	_____	_____	_____	_____
<u>EISBART</u>	_____	_____	_____	_____	_____
<u>GiaQUINTA</u>	_____	_____	_____	_____	_____
<u>NUCKOLS</u>	_____	_____	_____	_____	_____
<u>SCHMIDT</u>	_____	_____	_____	_____	_____
<u>SCHOMBURG</u>	_____	_____	_____	_____	_____
<u>STIER</u>	_____	_____	_____	_____	_____
<u>TALARICO</u>	_____	_____	_____	_____	_____

DATE: _____

CHARLES W. WESTERMAN - CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne,
Indiana, as (ZONING MAP) (GENERAL) (ANNEXATION) (SPECIAL)
(APPROPRIATION) ORDINANCE (RESOLUTION) NO. _____
on the _____ day of _____, 19____.

ATTEST:

(SEAL)

CHARLES W. WESTERMAN - CITY CLERK

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on
the _____ day of _____, 19____, at the hour of _____
o'clock _____ M., E.S.T.

CHARLES W. WESTERMAN - CITY CLERK

Approved and signed by me this _____ day of _____
19____, at the hour of _____ o'clock _____ M., E.S.T.

WIN MOSES, JR. - MAYOR

Pat. 8/24/82

PETITION TO VACATE Lots 1 (one) and 23 (twenty-three) and the East 38' (thirty-eight feet) of Lot 22 (twenty-two) and the East 40' (forty feet) of Lot 2 (two) of Devonshire, a subdivision of part of Lot 24 (twenty-four) in Edsalls Subdivision in Lagro Reserve, T 30 N R 12 E, of Allen County, Indiana.

TO: THE CITY PLAN COMMISSION
CITY OF FORT WAYNE, INDIANA

The undersigned petitioner, does hereby respectfully petition the Fort Wayne City Plan Commission to vacate the following lots of Devonshire, a subdivision within the City of Fort Wayne, Indiana and hereby described as follows:

Lots 1 (one) and 23 (twenty-three) and the East 38' (thirty-eight feet) of Lot 22 (twenty-two) and the East 40' (forty feet) of Lot 2 (two) of Devonshire, a subdivision of Part of Lot 24 (twenty-four) in Edsall's Subdivision in Lagro Reserve, T 30 N R 12 E.

In support thereof, your petitioner would represent as follows:

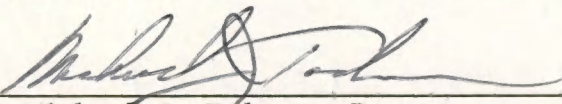
1. That it is the owner of the Real Estate and all other lots in Devonshire.
2. That no other person, firm or corporation is interested in or affected by the requested vacation.
3. That this petition, when granted, will not affect ingress or egress to other properties whatsoever.

Your petitioner files this petition pursuant to the authority granted in Indiana Code, Section 36-7-4-512 in order to complete the vacation as above described.

WHEREFORE, your petitioner prays that the above described lots be vacated according to the provisions of Indiana law pertaining thereto.

DATED THIS 10th DAY OF MARCH, 1982

The Devonshire Corporation
Petitioner


By Michael J. Todoran, Pres.

9225 Sea Wind Pl., Ft. Wayne, IN 46804
Petitioner Address

747-3674 or 432-1917
Petitioner Phone

72-52-22
7/28/82

RESOLUTION 72-52-22

WHEREAS, THE DEVONSHIRE CORPORATION, has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following dedicated plat situated in Fort Wayne, Allen County, more particularly described, to-wit:

Lot 1 and 23 and the East 38' of Lot 22 and the East 40' of
Lot 2 of Devonshire, a subdivision of part of Lot 24 in Edsall's
Subdivision in Lagro Reserve, Township 30 North, Range 12 East of
Allen County, Indiana

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-4-512; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said vacation of a dedicated plat has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Electrical Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne Board of Public Works that the vacation of said dedicated plat hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana.

BE IT FURTHER RESOLVED by the Board of Public Works that the vacation of said dedicated plat hereinbefore described be and the same is hereby approved subject to easements as required by all public utilities occupying and using said plat or part thereof for the vacation and operation of its utility facilities shall not be deprived of said use on account of these proceedings unless any said utilities shall file a written consent to said vacation.

STATE OF INDIANA)
COUNTY OF ALLEN) SS:

I, Stephen A. Bailey Chairman of the Board of Public Works, do hereby certify that attached hereto is a full, true and correct copy of a resolution adopted by the Fort Wayne Board of Public Works at their meeting held July 28, 1982 and as same appears of record in the official records of said Board of Public Works.

DATED THIS 28 DAY OF July 19 82

FORT WAYNE BOARD OF PUBLIC WORKS

Stephen A. Bailey
Stephen A. Bailey, Chairman

Roberta Anderson-Stat
Roberta Anderson-Statens, Member

Betty R. Collins
Betty R. Collins, Member

RESOLUTION

WHEREAS, THE DEVONSHIRE CORPORATION, has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following plat in Fort Wayne, Allen County, to-wit:

Lot 1 and 23 and the East 38' of Lot 22 and the East 40' of Lot 2 of Devonshire, a subdivision of part of Lot 24 in Edsall's Subdivision in Lagro Reserve, Township 30 North, Range 12 East of Allen County, Indiana.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of 1963 of the General Assembly of the State of Indiana, Indiana Code, Section 36-7-4-312.

WHEREAS, notice of such public hearing has been given by due and proper publication thereof; and,

WHEREAS, said public hearing was held on July 19, 1982, at 7:00 P.M., and at such hearing there were no objections of any kind or character which should prevent the vacation of said dedicated plat.

WHEREAS, said vacation of the plat has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Street Light Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said plat hereinbefore described conforms to the general policy pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana;

BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated plat hereinbefore described be and the same is hereby approved.

BE IT FURTHER RESOLVED no public utility occupying and using said dedicated plat or part thereof for the vacation and operation of its utility facilities shall be deprived of said use on account of these proceedings unless any said utility shall file a written consent to said vacation.

BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of the dedicated plat in Allen County, Indiana.

STATE OF INDIANA)
COUNTY OF ALLEN) SS:

I, Dennis J. Grotrian, Secretart of the Fort Wayne City Plan Commission, do hereby certify that attached is a full, true and correct copy of a resolution adopted by the Fort Wayne City Plan Commission following a public hearing of said Commission held July 26, 1982, and as the same appears of record in the official records of said Plan Commission.

DATED THIS 27th DAY OF July 19 82

FORT WAYNE CITY PLAN COMMISSION

Dennis J. Grotrian
Secretary

BILL NO. G-82-06-26

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS

REFERRED AN (ORDINANCE) (~~RESOLUTION~~) amending the Thoroughfare
Plan of the City Comprehensive ("Master") Plan by vacating
a plat thereof

HAVE HAD SAID (ORDINANCE) (RESOLUTION) UNDER CONSIDERATION AND BEG
LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE)
(RESOLUTION) TO BE WITHDRAWN

YES

NO

Charles B. Redd

CHARLES B. REDD
CHAIRMAN

JANET G. BRADBURY
VICE CHAIRWOMAN

JAMES S. STIER

BEN A. EISBART

DONALD J. SCHMIDT

CONCURRED IN _____

SANDRA E. KENNEDY
CITY CLERK

RECEIPT

ck # 1031

COMMUNITY DEVELOPMENT & PLANNING

No 7226

FT. WAYNE, IND., 15 March 1982

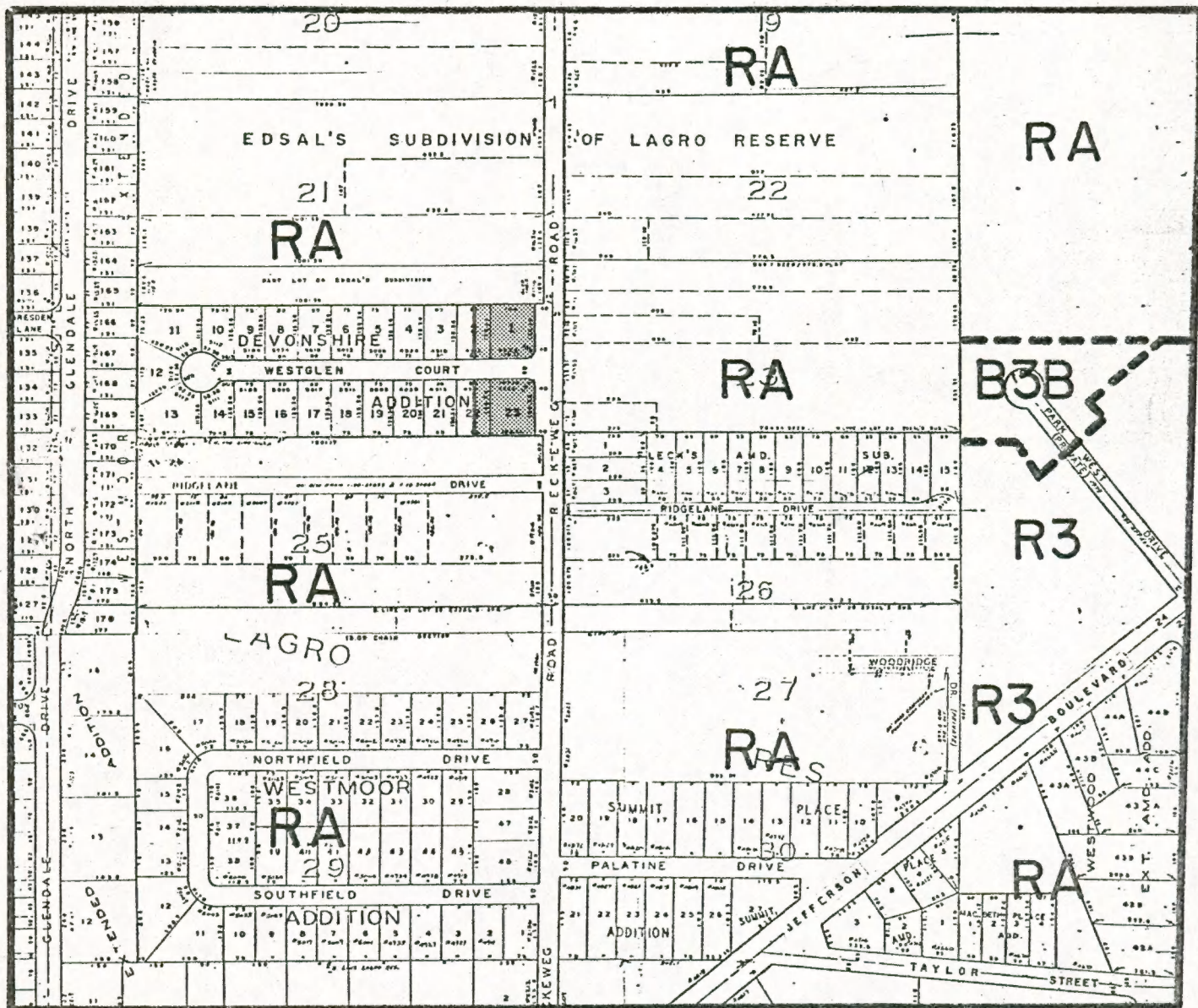
RECEIVED FROM The Devonshire Corporation \$ 50.00


THE SUM OF fifty & 00/100 DOLLARS

ON ACCOUNT OF Truscare pt of Devonshire
Sub

Pat B.

AUTHORIZED SIGNATURE



 A PETITION TO VACATE PORTIONS
OF DEVONSHIRE SUBDIVISION.

MAP NO. F-2

6-82-06-26

BY G.R.LAX 3-22-82





THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

city plan commission

27 July 1982

Members of the Common Council
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is a copy of a resolution pertaining to one (1) plat vacation ordinance acted upon by the City Plan Commission at their regular meeting held July 26, 1982. In addition to the reasons outlined in the resolution, the following are additional remarks pertaining to the ordinance involved.

1. Bill No. G-82-06-26
2. Intended Use: Plat was originally intended for single family use the developers now wish to develop multi-family housing and in order to do so must vacate the original plat.
3. Plan Commission Recommendation: DO PASS

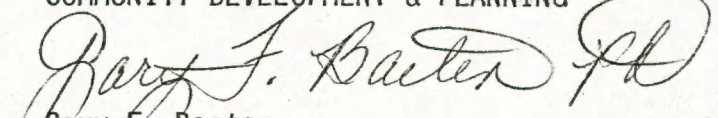
This ordinance received a DO PASS recommendation for the following reason:

REASON: This vacation request will not be injurious to the public health, safety, morals and general welfare of the community.

If there are any questions with regard to this ordinance, please feel free to call on us.

Respectfully submitted,

COMMUNITY DEVELOPMENT & PLANNING


Gary F. Baeten
Senior Planner

GFB:pb

Attachments

FACT SHEET

G-82-06-26

BILL NUMBER

Division of Community Development & Planning

BRIEF TITLE

Plat Vacation Ordinance

APPROVAL DEADLINE**REASON****DETAILS****Specific Location and/or Address**

Portion of the Plat of Devonshire

Reason for Project

Request Withdrawn by petitioner.

Discussion (Including relationship to other Council actions)**POSITIONS****RECOMMENDATIONS****Sponsor**

City Plan Commission

Area Affected

City Wide

Other Areas

**Applicants/
Proponents****Applicant(s)**The Devonshire Corporation
City Department

Other

Opponents**Groups or Individuals**

Basis of Opposition

**Staff
Recommendation**☐ For☐ Against

Reason Against

**Board or
Commission
Recommendation****By**☐ For☐ Against☐ No Action Taken☐ For with revisions to conditions
(See Details column for conditions)**CITY COUNCIL
ACTIONS**(For Council
use only)☐ Pass☐ Other☐ Pass (as
amended)☐ Hold☐ Council Sub.☐ Do not pass

DETAILS

POLICY/ PROGRAM IMPACT

Policy or Program Change	<input type="checkbox"/> No	<input type="checkbox"/> Yes
Operational Impact Assessment		

(This space for further discussion)

Project Start

Date March 15, 1982

Projected Completion or Occupancy

Date February 5, 1985

Fact Sheet Prepared by

Patricia A. Biancaniello

Date

February 5, 1985

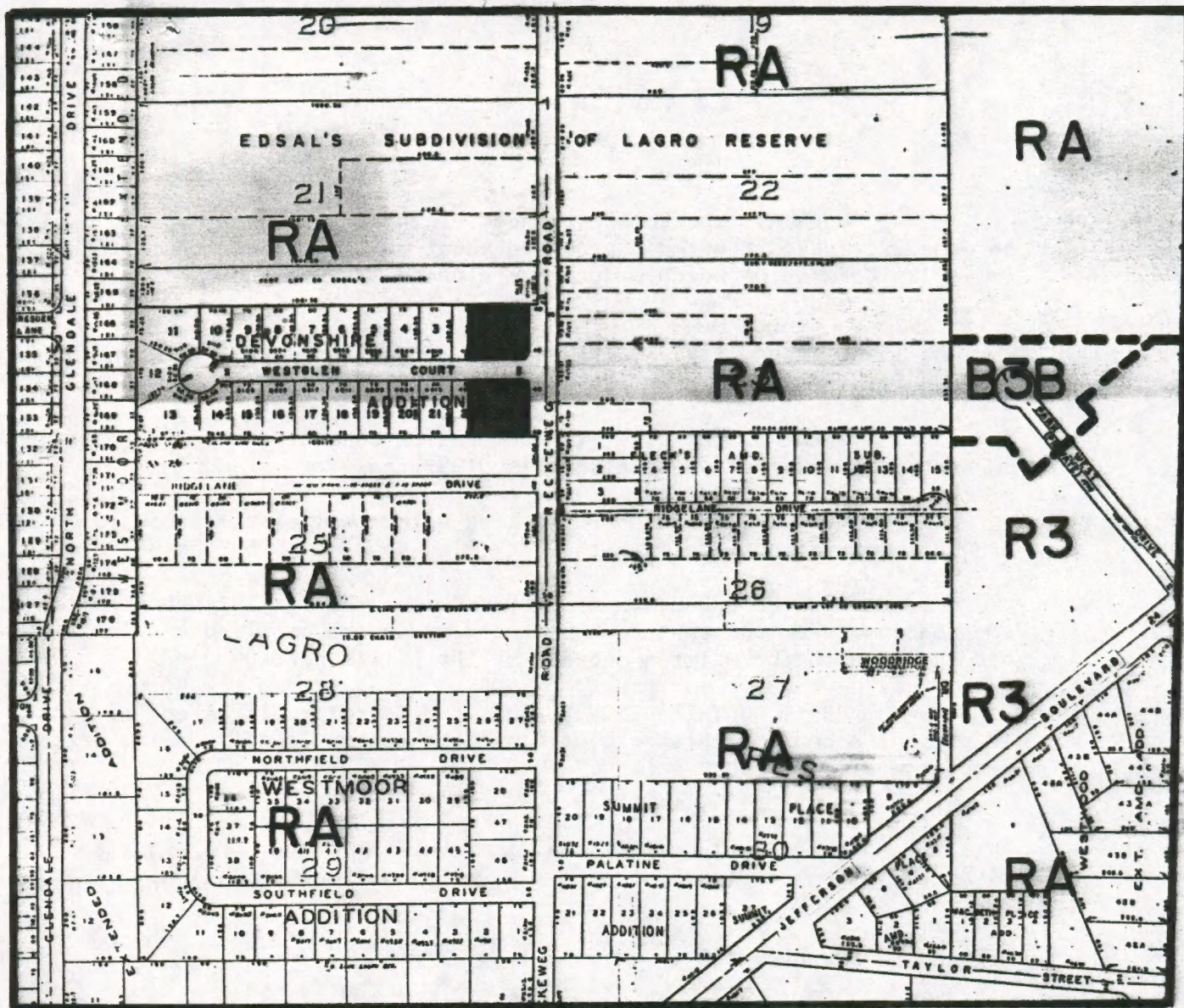
Reviewed by


Darryl Burtin

Date

2/6/85

Reference or Case Number



 A PETITION TO VACATE PORTIONS
OF DEVONSHIRE SUBDIVISION .

MAP NO. F-2

6-82-06-26

BY G.R.LAX 3-22-82



R E S O L U T I O N

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on June 22, 1982, referred a proposed vacation ordinance amendment to the City Plan Commission which proposed ordinance was designated as Bill No. G-82-06-26; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on July 19, 1982; and,

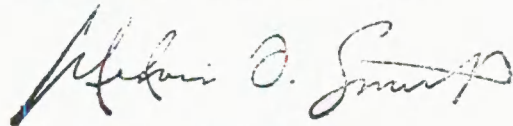
WHEREAS, a letter requesting withdrawal of the proposed ordinance has been filed with the City Plan Commission by the petitioner;

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that such proposed ordinance be withdrawn in accordance with the written request of the petitioner;

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted by the Fort Wayne City Plan Commission.

Certified and signed this
5th day of February 1985.

A handwritten signature in dark ink, appearing to read "Melvin O. Smith", with a stylized flourish at the end.

Melvin O. Smith
Secretary



January 21, 1985

Ms. Patricia A. Biancaniello
Staff Secretary
City Plan Commission
830 City-County Building
Fort Wayne, IN 46802

Dear Pat:

Pursuant to our conversation on January 18, 1985, I wish to formally request the withdrawal of Vacation Bill No. G-82-06-06.

Our firm represents Springmill Woods Development Corporation and The Devonshire Corporation which now wishes to vacate the entire plat of Devonshire, instead of only a portion of the plat as set forth in the previous Vacation Bill.

If you have any questions or if you need additional information, please contact me.

Sincerely,

John C. Sauer
Z.K. TAZIAN ASSOCIATES, INC.

cc: Micheal J. Todoran
James J. Lancia

DIGEST SHEET

TITLE OF ORDINANCE Subdivision Vacation OrdinanceG-82-06-26DEPARTMENT REQUESTING ORDINANCE Long Range Planning & Zoning - CD&PSYNOPSIS OF ORDINANCE Portion of Devonshire - Lots 1 and 23 and the East 38' of
Lot 22 and the East 40' of Lot 2 of Devonshire Subdivision.EFFECT OF PASSAGE Property is a dedicated plat. Property will be vacated and allow
for varied types of development.EFFECT OF NON-PASSAGE Property will remain a dedicated plat and can be
use for residential development only.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

ASSIGNED TO COMMITTEE (J.N.) _____